

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
UNITED STATES OF AMERICA

CLAVORRIS SIBLEY

CA _____

VERSUS

DARRELL PAULK, JR.

JUDGE: _____

AND THE VERNON PARISH SHERIFF,

JOHN S. CRAFT,

IN HIS OFFICIAL CAPACITY

MAG: _____

CIVIL RIGHTS COMPLAINT FOR DAMAGES
UNDER 42 USC 1983 AND
RELATED STATE LAW CLAIMS

1.

INTRODUCTION

This is a civil rights lawsuit brought by the Plaintiff CLAVORRIS SIBLEY, for violation of Federally protected rights, as well as state law claims under La. CC art. 2315 for battery, police brutality, and excessive force. Compensatory and punitive damages are sought against the police officer involved in the civil rights violation and his employer, the Vernon Parish Sheriff's Office, for state law torts.

2.

JURISDICTION

This action arises under the Fourth and Fourteenth Amendments to the United States Constitution, and under the Civil Rights Act of 1871, 42 U.S.C. sections 1983 and 1988. This Court has jurisdiction of this cause under 28 U.S.C. sections 1331 and 1333. Venue is proper under 28 U.S.C. section 1331 in that the cause of action arises in the Parish of VERNON, State of Louisiana, Western District of Louisiana and that all alleged acts

occurred within the jurisdiction of Vernon, and the Western District of Louisiana. Supplemental jurisdiction attaches to all State law claims under 28 U.S.C. 1337.3.

3.

Plaintiff is an adult residing in the Parish of Calcasieu, State of Louisiana, and upon information and belief, Defendant DARRELL PAULK, JR. is an adult domiciled in the Parish of Vernon, Louisiana, and for all times material to this complaint, was an officer employed by the Vernon Parish Sheriff's Office in Leesville, Louisiana and continues to be so employed. Made Defendants herein are:

DARRELL PAULK, JR., a citizen of Louisiana and resident of Vernon parish, who at all times relevant to this complaint, was a police officer for the Parish of Vernon acting in the course and scope of his employment and under color of state law.

JOHN S. CRAFT, VERNON PARISH SHERIFF, in his official capacity as employer of Defendant DARRELL PAULK, JR. and vicariously liable for state law delicts of **DARRELL PAULK, JR.** through La. CC 2320.

4.

FACTUAL ALLEGATIONS

On or about January 2nd, 2016, Plaintiff was arrested after a traffic stop in Vernon Parish, Louisiana.

5.

While incarcerated at the Vernon Parish Jail, Officer DARRELL PAULK, JR. was working attending arrestees at the jail, where he came into contact with Plaintiff.

6.

Plaintiff sought medical treatment while incarcerated, where Officer PAULK, jerked him off the medical table without any justification or provocation for doing so.

7.

Plaintiff's first contact with the ground was head first. He immediately lost conscious for a number of seconds.

8.

Plaintiff awoke as Officer Paulk was dragging his unconscious body out of the exam room into the hall of the jail facility.

9.

Plaintiff was taken to Byrd Hospital at approximately 2045, where he complained of neck and back injury after being slammed into the cement by Officer Paulk.

10.

When arriving to the hospital, Plaintiff was unable to get out of the transport vehicle due to the severe pain he was in at the time. Subsequently, Plaintiff described his pain as a 10 out of 10 on a Ten Scale, with 10 being the highest level of pain. Further, he described the sharp, shooting, and stabbing and was reported to be crying due to his pain.

11.

CIVIL RIGHTS VIOLATION

As a result of the attack by Officer Paulk, Plaintiff suffered special damages including medical bills, past, present and future; and general damages, including but not limited to pain, fear, anxiety, mental distress, loss of enjoyment of life, past and future lost wages as well as other damages to be proved at trial.

12.

The Defendant, Paulk's, actions were malicious and recklessly indifferent to the Plaintiff's federally protected rights under the Fourth and Fourteenth Amendments. Punitive damages are demanded.

13.

Plaintiffs allege that all relevant times, Defendant was under color of law in the course and scope of his Employment as an officer of the Vernon Parish Sheriff's Department.

14.

The force utilized by the Defendant Paulk was illegal, excessive and, thus, constituted an unreasonable seizure of Plaintiff and cruel and unusual punishment in violation of the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution.

15.

**STATE LAW DAMAGES UNDER CC ART. 2315, VICARIOUS LIABILITY OF CITY OF
LEESVILLE, LOUISIANA**

Plaintiff incorporates all the foregoing allegations, herein. Additionally, under state law, plaintiff is entitled to damages for Pault's tortious acts on him, including second degree battery, and aggravated assault. The Vernon Parish Sheriff's Department, as the employer of this defendant, is vicariously liable for the delicts of its employees under La. C.C. 2320.

16.

Plaintiff demands TRIAL BY JURY.

17.

Plaintiff is entitled to reasonable attorney's fees in this action.

PRAYER FOR RELIEF

Plaintiff request that this Court assume jurisdiction over this cause, grant him compensatory and punitive damages, costs and attorney's fees, judicial interest running from date of demand, and award all other proper relief.

Respectfully Submitted,

/s/ JOSEPH J. LONG, ESQ
Joseph J. Long, Bar # 25968
LAW OFFICES OF JOSEPH LONG
251 Florida St., ste. 308
Baton Rouge, LA 70801
Phone: 225-343-7288
Facsimile: 225-267-5664
Josephjlong@juno.com

/s/ Mary K. Beaird
Attorney at Law
La. Bar Roll #34,440
109 S. 3rd Street
Leesville, LA 71446
T (337) 944- 0299
F (337) 415- 0081
Mkb@marykbeaird.com